



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,328	10/03/2000	Yasuo Takane	0905-0247P-SP	4817
7590	04/08/2005		EXAMINER	
BIRCH, STEWART, KOLASCH & BIRCH, LLP			AGGARWAL, YOGESH K	
P.O.Box 747			ART UNIT	PAPER NUMBER
Falls Church, VA 22040-0747			2615	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/678,328	TAKANE ET AL.	
	Examiner	Art Unit	
	Yogesh K Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 2-9, 11 and 12 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

Response to Arguments

1. Applicant's arguments, filed 03/02/2005, with respect to the rejection(s) of claim(s) 1 and 10 under 35 USC 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kikuzawa.
2. Applicant argues that the finality of the office action be withdrawn. The claims were amended in the response filed 06/14/2004 so that the scope was changed which necessitated the finality of the office action. Therefore finality of the previous action would be maintained. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuzawa et al. (US Patent # 5,684,919) in view of Ejima et al. (US Patent # 5,070,405).

[Claim 1]

Kikuzawa et al. teaches an imaging device (figure 4, image sensor 353) or imaging a subject, to output image data representing an image of the subject (col. 5 lines 31-36). Kikuzawa further teaches a white balance sensor 356 that detects the color temperature and supplies its information to a white balance control circuit 361 (exposure control device). The circuit 361 supplies white

balance control data for compensating the color temperature to the signal processing and encoder circuit 354 according to the color temperature information. Further a camera control information circuit 360 encodes the camera information and outputs the coded information from a terminal "e" to the VTR (recording medium) portion (col. 5 lines 27-45, figure 6, rotary heads 302 and 303) in the index portion 12 (col. 3 lines 7-26, figure 6). The image video signal is input from a terminal 'a' and also recorded on the VTR portion 46 as shown in figure 2 under the control of a recording system control portion 306 (col. 4 lines 32-38, col. 3 lines 42-44). The white balance data portion DA1 (figure 6) along with the image data recorded in the portion 46 is read as an image-file.

[White balance is based upon measuring the color temperature of the object, which is different for daylight (6500 K) and other types of scenes like incandescent illumination (3000 K). These different type of scenes based upon their temperatures will have different exposure values e.g. daylight will have different exposure value than an incandescent illumination. Therefore white balance compensation involves correcting for different types of scenes or different types of exposures. Furthermore the claim is broad and only recites exposure control device for controlling an amount of exposure on the basis of the photometry values outputted by said photometry device. Measuring the color temperature, which is different for a given scene, and performing color balance based on that also controls the exposure of an image. Therefore white balance control can also be broadly classified as an exposure control].

Kikuzawa fails to teach a photometry device for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values. However Ejima et al. teaches a photometry device (21a-21e) for performing photometry

for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values (col. 5 line 61-col. 6 line 2) in order to have a natural looking image.

Therefore taking the combined teachings of Kikuzawa and Ejima, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to perform photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values so that an image having high contrast (calculated by taking a difference between the greatest and smallest output) could have weak contour enhancement leading to a natural looking image as taught in Ejima (col. 6 lines 8-51).

[Claim 10]

This is a method claim corresponding to apparatus claim 1. Therefore it has been analyzed and rejected based upon apparatus claim 1.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
March 25, 2005



TUAN HO
PRIMARY EXAMINER